

1

Rubia Bertram, Chief
Financial Responsibility Unit
Toxics Substances Control Division
Department of Health Services
P.O. Box 942-732
740-744 P. Street
Sacramento, CA 94274-7320

Dear Rubia:

Enclosed are the notes from the May 26, 1989 financial responsibility enforcement coordination meeting. The notes contain confidential enforcement information.

Diana Thomas is on vacation for the month of June. I look forward to our next meeting, scheduled for July 26, 1989 at 10 A.M. in Sacramento.

Sincerely,

Arnold Robbins
RCRA California Enforcement Section

cc: Paul Blais, DHS-HQ
Alex Cunningham, DHS-HQ
Doug Krause, DHS-NCCS
Brad Parsons, DHS-NCS
Paula Rasmussen, DHS-LB
Diana Thomas, DHS-HQ
Dave Willis, DHS-HQ
Scott Simpson, DHS-LA

NO
"OFFICIAL"
DATE GIVEN FOR
THESE Doc(s)
MJK 06/24/89

ENFORCEMENT CONFIDENTIAL

MEMORANDUM

SUBJECT: Summary of the May 26, 1989 Financial
Responsibility Enforcement Coordination Meeting

FROM: Arnold Robbins
EPS, California Enforcement Section

TO: Steve Johnson
Chief, California Enforcement Section

Diana Thomas and I met for our monthly enforcement coordination meeting. We agreed on a new format for the financial responsibility meeting notes. The new format is as follows: I. FY 89 BOY SNCs, II. High Priority Violators, III. Grant Reviews, IV. Policy Issues and V. Miscellaneous. We believe this format will better assist DHS and EPA in tracking financial responsibility violations. What follows is a summary of our meeting.

I. FY 89 BOY SNCs

First Quarter Commitments

1. Rockwell - Rocketdyne: DHS-FRU prepared a Corrective Action Order (CAO) and sent it to Legal Services for review on September 30, 1988. However, the facility came into compliance before the order was issued.
2. Tosco - Bakersfield: EPA is investigating possible outstanding operation violations. The Tosco - Bakersfield EPA I.D. number will be deleted from HWDMS once the possible outstanding violations are cleared. The Tosco - Bakersfield site will then be covered under Texaco's EPA I.D. Number.
3. Aerochem: A CAO was issued to the facility on December 31, 1988. The CAO was later withdrawn and the case was referred to the Attorney General along with operational violations on February 15, 1989.

Second Quarter Commitment

1. O'Brien: A CAO was issued to the facility on March 31, 1989. DHS-FRU is now negotiating with the facility.

Third Quarter Commitment

1. Teledyne McCormick Selph: In March 1988 a financial record review revealed a financial violation relating to Teledyne's financial test. In November 1988 the facility came back into compliance for this violation. In June 1988 an inspection by DHS-Emeryville revealed closure, post-closure and financial violations. The financial violation was for failure to have financial assurance for post-closure. DHS-Emeryville is presently negotiating with the facility to resolve these outstanding violations.

Fourth Quarter Commitment

1. West Contra Costa County Sanitary Landfill: This facility is scheduled for a CAO during the fourth quarter of FY 89 for financial responsibility violations. However, the September 26, 1988 financial responsibility notes say that this facility had liability insurance violations only. This would not constitute a BOY-SNC. Diana and I are both checking up on this case to determine if it should remain a BOY-SNC or be dropped from our planned enforcement actions.

II. High Priority Violators (HPVs)

Diana and I reviewed the turnaround documents for HPVs based upon financial responsibility violations only. There were no HPVs to report.

III. Grant Reviews

Financial responsibility record reviews scheduled for May 1989:

<u>Major Facility</u>	<u>DHS Office</u>	<u>EPA I.D. Number</u>
Chem Waste Bakersfield	SAC	CAT000646117
Valley Plating	SAC	CAD055556062
PG&E Morro Bay	SAC	CAT080011646
Sacramento Locomotive	SAC	CAD073772030
Acme Fill Corporation	EM	CAD041835695
Chevron Chemical Company	EM	CAD043237486

Chevron USA Incorporated	EM	CAD009114919
Teledyne McCormick Selph	EM	CAD009220898
Southern California Chemical	LA	CAD008488025
<u>Non-major Facility</u>	<u>DHS Office</u>	<u>EPA I.D. Number</u>
El Dorado Chemical	SAC	CAD089681068
Proctor & Gamble Modesto	SAC	CAD056186596
General Circuits Inc.	EM	CAD074665704
Hewlett Packard-Pagemill	EM	CAD009122532
Romic Chemical Company	EM	CAD009452657
Signetics Corporation	EM	CAD070466479
South Bay Chemical	EM	CAD000628149
A2Z Plating Company, Inc.	LA	CAD980814412
Northrop Corporation Aircraft Division	LA	CAD000627216
Rho-Chem	LA	CAD008364432
CPR Upjohn Company	LA	CAT080010093
General Electric	LA	CAT000622357

IV. Policy Issue

If a facility does not plan on post-closure care (ie. they plan for clean closure) does the facility need financial assurance for post-closure care? According to the regulations, a facility must prepare for the most expensive alternative using third party costs. DHS-FRU interprets this to mean that even if a facility decides to clean close they must have financial assurance for post-closure care in the event they are unable to clean close and post-closure care is required. Diana asked me if EPA had any policy guidance on this issue. I informed Diana that I would provide her with a response to this policy issue at our next meeting.

V. Miscellaneous

A. Casmalia Resources

On May 30, 1989 EPA issued an executed Consent Agreement and Final Order to Casmalia Resources for settlement of RCRA financial responsibility violations.

B. Marley Cooling Tower

Attorneys for EPA and Marley had a conference call with an ALJ on May 16, 1989. The attorneys will file briefs by July 3, 1989 to determine the penalty amount. The facility is not contesting the operational violations alleged in the complaint.

VI. Next Meeting

Diana Thomas is on vacation for the month of June. Our next meeting is on July 26, 1989 at 10 A.M. in Sacramento.

Rubia Bertram, Chief
Financial Responsibility Unit
Toxics Substances Control Division
Department of Health Services
P.O. Box 942-732
740-744 P. Street
Sacramento, CA 94274-7320

Dear Rubia:

Enclosed are the notes from the March 23, 1989 financial responsibility enforcement coordination meeting. The notes contain confidential enforcement information.

I look forward to our next meeting, scheduled for Wednesday, April 26 at 10:00 a.m. in Sacramento.

Sincerely,

Arnold Robbins
RCRA California Enforcement Section

cc: Paul Blais, DHS-HQ
Alex Cunningham, DHS-HQ
Doug Krause, DHS-NCCS
Brad Parsons, DHS-NCS
Paula Rasmussen, DHS-LB
Diana Thomas, DHS-HQ
Dave Willis, DHS-HQ
SEU-Chief, DHS-LA

bc: Jim Breitlow/Dave Osugi/Karen Scheuermann, T-2-2
Nancy Harney, T-2-4
Gary Lance, T-2-4
Jeff Scott, T-2-1
Rich Vaille/Karen Schwinn, T-2
Matt Mitguard/Lori Lewis, T-2-8
Lily Wong, T-2-4

SYMBOL	T-2.4	T-2.4	T-2.4			
SURNAME	ATC	Johnson	SA			
DATE	3.21.89	4/5/89	4/5/89			
U.S. EPA CONCURRENCES						

OFFICIAL FILE COPY

ENFORCEMENT CONFIDENTIAL

MEMORANDUM

SUBJECT: Summary of the March 23, 1988 Financial
Responsibility Enforcement Coordination Meeting

FROM: Arnold Robbins
EPS, California Enforcement Section

TO: Steve Johnson
Chief, California Enforcement Section

Kathy Sanchez, Diana Thomas and I met for our monthly enforcement coordination meeting. Diana Thomas is the new State contact for the monthly financial responsibility enforcement coordination meetings. What follows is a summary of the issues we discussed during our meeting.

Old Business

I. Casmalia Resources

Final settlement is expected in the next three weeks. EPA and Casmalia are negotiating the final language of the consent agreement.

II. Tosco/Texaco - Bakersfield

On March 13, 1989, I spoke with Ellen Johnson of Tosco Corporation. She was unsure about how to handle this year's financial assurance. Because Tosco sold their Bakersfield site to Texaco on June 30, 1986, she did not think Tosco should be required to provide financial assurance for the Bakersfield site. I agreed with Ellen and told her that Tosco does not need to provide financial assurance for the Bakersfield site. I informed Kathy and Diana of my conversation with Ellen Johnson.

III. Marley Cooling Tower

Marley Cooling Tower has dropped its request for a variance and has agreed, in principle, to having its parent corporation, the Marley Company, provide a corporate guarantee to cover financial assurance. The details of the agreement are being ironed out in negotiations.

IV. End-of-Year (EOY)

I provided Kathy and Diana with a copy of my end-of-year review notes. These notes provide more indepth information on my end-of-year review of DHS-FRU than the official EPA end-of-year analysis sent to DHS. Kathy had requested this information to verify specific facilities where there were outstanding concerns based on EPA's review.

New Business

I. O'Brien Corporation

Kathy, Diana and I discussed the Facility's BOY-SNC status. DHS has agreed to issue a corrective action order to the Facility by the end of the second quarter. Kathy and Diana explained that FRU had done a review of the Facility some time ago and sent a statement of facts to the Region to be incorporated into the Region's corrective action order. The Region was the lead on this case because there were operational violations. However, the Facility's BOY-SNC status is based solely on a financial violation. The Region was aware of this fact and had sent the corrective action order to DHS' Legal Department for review with the expectation that the corrective action order would be issued by March 31, 1989, the end of the second quarter.

I told Kathy and Diana that if, in the future, a situation arises where there is some concern over whether or not the Region can meet the deadline for issuing a corrective action order to cover a financial violation, it would be to DHS's advantage to split the order in two parts and have FRU issue a corrective action order to cover the financial violations and have the Region issue a separate corrective action order to cover operational violations. In this way DHS can be assured of not missing an enforcement deadline.

II. RCRA Civil Penalty Policy

DHS-FRU is interested in how EPA assesses penalties in developing their own penalty policy. Diana is going to be documenting how DHS-FRU determines penalties assessed in corrective action orders. I gave Diana a copy of the RCRA Civil Penalty Policy.

III. RCRA CMEL

Kathy informed me that DHS was going to use the "H" code on the CMEL turnaround documents. EPA's expectation, for fiscal year 1989, is that DHS will have made a determination on each record review as to whether they have a high priority violator (HPV). The CMEL document has been revised so that DHS can make note of high priority violators.

IV. Next Meeting

The next financial responsibility coordination meeting will be in Sacramento on Wednesday, April 26 at 10:00 a.m.

FINANCIAL RESPONSIBILITY REVIEW

TO: Charlene Williams SEU Sania Law FPU REGION 1, (2), 3, 4
 FROM: Rebecca Burwell FRU PHONE 415-583-4880 CAD 05 130 453
 2F

For the purpose of the financial responsibility review, the results of the evaluation are good for sixty (60) days from the date of this review and are as follows:

FACILITY The O'Brien Corp. ADDRESS 450 E. Grand Ave. S. San Francisco CA 94090 EPA ID# CAD 00 513 0453

I. FACILITY TYPE

MAJOR X NON-MAJOR RCRA X NON-RCRA
 TREATMENT X STORAGE X DISPOSAL X OTHER
 INTERIM X PERMITTED PBR TTU

II. FINANCIAL ASSURANCE FOR CLOSURE/POST-CLOSURE

TYPE OF DOCUMENT: Financial test - 3-11-92
 COST ESTIMATES: CLOSURE \$ POST-CLOSURE \$
 DEFICIENCY: CLOSURE \$ POST-CLOSURE \$
 RESULTS: PASS FAIL (SEE COMMENTS)

III. LIABILITY COVERAGE

TYPE OF DOCUMENT: Financial test 3-11-92
 DOLLAR AMOUNTS: SUDDEN \$ 1 mill / 2 mill NON-SUDDEN \$ /
 (PER OCCURRENCE) (AGGREGATE) (PER OCCURRENCE) (AGGREGATE)
 RESULTS: PASS FAIL (SEE COMMENTS)

IV. ENFORCEMENT ACTION

DATE STATUS

1. REPORT OF VIOLATIONS ISSUANCE:
2. CORRECTIVE ACTION ORDER:
3. ANTICIPATED ACTION:
4. OTHER REFERRALS:

COMMENTS: OCFO letter does not follow DHS Bill (2/4/92). (2) Copy of independent CPA's report on examination of financial statements not included (3) Cost estimates are off for both closure and post closure - See comments on checklist.

Rebecca Burwell 6-24-92
 FRU ANALYST DATE

FRU CHIEF

DATE

CHIEF DATE

FIRST COPY - SEU

SECOND COPY - FPU

THIRD COPY - FRU

**RCRA FINANCIAL ASSURANCE CHECKLIST
FOR FINANCIAL TEST/CORPORATE GUARANTEE**
(page 1 of 5)

Parent Company Name: <u>The O'Brien Corporation</u>	
Parent Company Address: <u>450 E. Grand Ave., S. San Francisco, CA 94108</u>	
Facility Name: _____	
Facility Address: _____	
County in which Facility is Located: _____	
EPA I.D. Number: <u>CAD 10513 0455</u>	
Facility Contact Person/Title: _____	
Facility Contact Phone Number: _____	
Year For Which Audit is Conducted: _____	
Type of Instrument Employed: Financial Test <input checked="" type="checkbox"/> Corporate Guarantee <input type="checkbox"/>	
Instrument Covers: Closure <input checked="" type="checkbox"/> Post-closure <input checked="" type="checkbox"/>	
Sudden Liability <input checked="" type="checkbox"/> Nonsudden Liability <input type="checkbox"/>	
Land Disposal Facility: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Amount of Closure (Facility Submittal): <u>16,400.</u>	Amount of Closure (Agency Approved): <u>17,570 16,640.</u>
Source Document: <u>CFO letter</u>	Source Document: <u>review for FY-91</u>
Date: <u>3-11-92</u>	Date: <u>estimate = 16,000 x 1.04 inflation factor</u>
Amount of Post-closure (Facility Submittal): <u>141,000.</u>	Amount of Post-closure (Agency Approved): <u>141,000 164,631.</u>
Source Document: <u>CFO letter</u>	Source Document: <u>estimate</u>
Date: <u>3-11-92</u>	Date: <u>11-14-86</u>
Fiscal Year Ends <u>12-31</u>	adjusted for inflation.

liability coverage = sudden - \$1 mill per occurrence
92 mill aggregate
non-sudden - 0

copy of
inflation
factor used
is attached.

**RCRA FINANCIAL ASSURANCE CHECKLIST
FOR FINANCIAL TEST/CORPORATE GUARANTEE**

(page 2 of 5)

YES NO

☒☐

If the financial test/corporate guarantee is submitted to satisfy requirements for "liability self-insurance" as specified in 40 CFR §264.147(f) and (g) and 40 CFR §265.147(f) and (g), does the submittal satisfactorily demonstrate compliance?

☐

Not Applicable

☐☐

If a Corporate Guarantee is employed, does the "parent corporation" own at least 50% of the subsidiary company's assets? (40 CFR §264.141(d)/40 CFR §265.120(d))

☒

Not Applicable

☐☐

If a Corporate Guarantee has been submitted on behalf of a corporation incorporated in the United States to satisfy requirements for "liability self-insurance," has a written statement(s) been submitted as specified in 40 CFR §264.147(g)(2) and 40 CFR §265.147(g)(2)? If yes, indicate the appropriate sources of the statement(s).

☐

Attorney(s) General

☐

Insurance Commissioner(s)

☒

Not Applicable

☐☐

If a Corporate Guarantee has been submitted on behalf of a corporation incorporated outside of the United States to satisfy requirements for "liability self-insurance," has the non-United States corporation identified a "registered agent(s)" as specified in 40 CFR §264.147(g)(2)(ii) and 40 CFR §265.147(g)(2)(ii)?

☒

Not Applicable

☐☐

If a Corporate Guarantee has been submitted on behalf of a corporation incorporated outside of the United States to satisfy requirements for "liability self-insurance," have the appropriate written statements been submitted as specified in 40 CFR §264.147(g)(2)(ii) and 40 CFR §265.147(g)(2)(ii)? If yes, indicate the appropriate sources(s) of the statement(s)

☐

Attorney(s) General

☐

Insurance Commissioner(s)

☒

Not Applicable

**RCRA FINANCIAL ASSURANCE CHECKLIST
FOR FINANCIAL TEST/CORPORATE GUARANTEE**
(page 3 of 5)

☐ **FINANCIAL TEST/CORPORATE GUARANTEE ALTERNATIVE 1:** (As specified in 40 CFR §264.143(f)(1)(i)/40 CFR §264.145(f)(1)(i) and 40 CFR §265.143(e)(1)(i)/40 CFR §265.145(e)(1)(i))

☒ The test meets at least two of the three following ratios required.

☒ The test fails to meet at least two of the three following ratios required.

(Indicate actual calculation results in the blank spaces provided.)

✓ — $\frac{\text{total liabilities}}{\text{net worth}} < 2.0$ $\frac{28914000}{3675000} = .78$

— $\frac{(\text{net income and depreciation and depletion and amortization})}{\text{total liabilities}} > 0.1$ _____

✓ — $\frac{\text{current assets}}{\text{current liabilities}} > 1.5$ $\frac{45458000}{21733000} = 2.09$

☒ The net working capital and tangible net worth are each at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates.

☒ The tangible net worth of the company is at least \$10 million.

☒ The U.S. assets of the company are equal to at least 90% of total assets or six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates.

☐ **FINANCIAL TEST/CORPORATE GUARANTEE ALTERNATIVE 2:** (As specified in 40 CFR §264.143(f)(1)(ii)/40 CFR §264.145(f)(1)(ii) and 40 CFR §265.143(e)(1)(ii)/40 CFR §265.145(e)(1)(ii))

☐ The current bond rating is adequate:

(Indicate appropriate bond rating(s) and source(s))

Standard and Poor's

- ☐ AAA
- ☐ AA
- ☒ A
- ☐ BBB

Moody's

- ☐ Aaa
- ☒ Aa
- ☐ A
- ☐ Baa

**RCRA FINANCIAL ASSURANCE CHECKLIST
FOR FINANCIAL TEST/CORPORATE GUARANTEE**
(page 4 of 5)

- ☐ The tangible net worth of the company is at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates.
- ☐ The tangible net worth of the company is at least \$10 million.
- ☐ The U.S. assets of the company are equal to at least 90% of the total assets or six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates.

YES NO

☐ ☒ Has a letter, properly executed and signed by the owner's or operator's chief financial officer and worded as specified in 40 CFR §264.151(f) or 40 CFR §264.151(g), been submitted? (40 CFR §264.143(f)(3)(i)/40 CFR §264.145(f)(3)(i) - 40 CFR §265.143(e)(3)(i)/40 CFR §265.145(e)(3)(i) - 40 CFR §264.147(f)(3)(i)/40 CFR §265.147(f)(3)(i))

☐ ☒ Has a copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year been submitted? (40 CFR §264.143(f)(3)(ii)/40 CFR §264.145(f)(3)(ii) - 40 CFR §265.143(e)(3)(ii)/40 CFR §265.145(e)(3)(ii))

☐ ☐ If a corporate guarantee is employed, does it contain wording identical to the wording specified in 40 CFR § 264.151(h)? (40 CFR §264.143(f)(10)/40 CFR §264.145(f)(11) - 40 CFR §265.143(e)(10)/40 CFR §265.145(e)(11))

☒ Corporate Guarantee is not employed.

☒ ☐ Has a special report from the owner's or operator's independent certified public accountant been submitted as specified in 40 CFR §264.143(f)(3)(iii)/40 CFR §264.145(f)(3)(iii) and 40 CFR §265.143(e)(3)(iii)/40 CFR §265.145(e)(3)(iii)?

☒ Financial statements corroborated

☐ Disclaimers of opinion, adverse opinions

☒ ☒ Is the facility in compliance with all financial test requirements set forth in 40 CFR §264.143(f)/40 CFR §264.145(f) and 40 CFR §265.143(e)/40 CFR §265.145(e)?

COMMENTS: ① CFO letter does not cite regs cited in DHS 8111(2/91).

② letter from Price Waterhouse dated 3-23-92 references expanding financial statements from FY 91, but the report they reference (dated 2-25-92) is not included. ③ the cost estimate for the ~~the~~ post closure

**RCRA FINANCIAL ASSURANCE CHECKLIST
FOR FINANCIAL TEST/CORPORATE GUARANTEE**
(page 5 of 5)

COMMENTS (con't): had never been adjusted for inflation. The ~~as~~ post-closure
cost estimate on the first page of this checklist is derived from the
cost estimate dated 12-14-88 by The Mack Group, minor estimates
for work that is now completed, multiplied by inflation factors
for the years 1988-1992, which are listed on a sheet
attached. (4) cost estimate for closure is also sufficient.
(5) However, even with ~~these~~ adjusted cost estimates, the the

Reviewed by: Alma Benwell

Date: 6-24-92

financial test
submitted is
sufficient.

RCRA Financial Assurance Inflation Factorials

1981	1.09
1982	1.06
1983	1.04
1984	1.04
1985	1.03
1986	1.03
1987	1.03
1988	1.036
1989	1.041
1990	1.041
1991	(Inflation factorial not yet available)

1.04

(for 1992)

RCRIS COMPLIANCE FORM - Part - 1
(ENFORCEMENT DISPOSITION DOCUMENT - EDD)

EVALUATIONS / INSPECTIONS

HANDLER DATA:

HANDLER ID

C A D O D 5 1 3 0 4 5 5

HANDLER

NAME

The O'Brien Corporation

LOCATION

450 E. Grand Ave.

CITY/STATE

S. San Francisco CA

ZIP 94080

	Initial	Date
I/CO	_____	_____
Section Chief	_____	_____
TMS entry	_____	_____
RCRIS entry	_____	_____
I/CO	_____	_____

California TMS use

_____ LDF	_____ Sacramento
_____ TSF	_____ Berkeley
_____ GEN	_____ Burbank
_____ OTH	_____ Long Beach
	_____ Fresno

EVALUATION DATA:

EVALUATION DATE

0 6 2 4 9 2
M M D D Y Y

<input checked="" type="checkbox"/>	Add new evaluation
<input type="checkbox"/>	Change →
<input type="checkbox"/>	Delete →

EVALUATION CONTROL NUMBER

Y Y M M D D

AGENCY

C

E=EPA S=STATE
X=EPA OVERSIGHT
C=EPA CONTRACTOR

RESPONSIBLE PERSON

Burwell

LAST NAME

SECTION

MAIL CODE

TYPE OF EVALUATION: (Check one)

CEI _____ Compliance Evaluation Inspection
CME _____ Comprehensive Monitoring Evaluation
SPL _____ Sampling Inspection
FRR ☒ Financial Records Review
NRR _____ Non Financial Records Review
LBN _____ Land Ban

CAO _____ Corrective Action Inspection
OAM _____ Operation & Maintenance Inspection
CDI _____ Case Development Inspection
CSE _____ Compliance Schedule Evaluation
OTH _____ Other (Note reason Below)

REASON FOR EVALUATION

01 Follow up

04 Citizen Complaint

02 Case Development

05 Withdrawal

03 Sampling

06 Closure

COMMENTS:

COVERAGE AREAS (Mark with A or D for all areas evaluated)

GENERATOR

GGR _____ General (A)
GLB _____ Land Ban (268)
GMR _____ Manifest (B)
GOR _____ Other
GPT _____ Pre-Transport (C)
GRR _____ Record Keeping (D)
GSC _____ Special Conditions
GSQ _____ Small Quantity Gen.

TSD REQUIREMENTS

DCH _____ Chem/Phys/Biol (Q)
DCL _____ Close/Post Clos (G)
DCP _____ Contingency (D)
DFR ☒ Financial (H)
DGS _____ General (B)
DGW _____ Groundwater (F)
DIN _____ Incinerator (O)
DLB _____ Land Ban (268)
DLF _____ Landfill (N)
DLT _____ Land Treatment (M)

DMC _____ Containers (I)
DMR _____ Manifest/Rec/Rpt (E)
DOR _____ Other
DPB _____ Part B Appl. (270)
DPP _____ Prepare/Prevent (C)
DSI _____ Surface Impound (K)
DTR _____ Tank (J)
DTT _____ Thermal Treat (P)
DWP _____ Waste File (L)

TRANSPORTER

TGR _____ General
TMR _____ Manifest
TOR _____ Other
TRR _____ All Requirements
TWD _____ Discharge/Spill

OTHER

CAS _____ Corrective Action Schedule
FEA _____ Formal Enforcement Action

A	Add these coverage areas
D	Delete these coverage areas

RCRIS COMPLIANCE FORM - Part - 2
(ENFORCEMENT DISPOSITION DOCUMENT - EDD)
VIOLATIONS

	Initial	Date
WCO	_____	_____
Section Chief	_____	_____
TMS entry	_____	_____
RCRIS entry	_____	_____
WCO	_____	_____

HANDLER DATA:

HANDLER ID CAD005130455
HANDLER NAME The E'Brien Corporation
LOCATION 450 E. Grand Ave.
CITY/STATE S. San Francisco CA ZIP 94080

California TMS use

____ LDF _____ Sacramento
____ TSF _____ Berkeley
____ GEN _____ Burbank
____ OTH _____ Long Beach
____ _____ Fresno

EVALUATION DATA: (All violations indicated below will be linked to this evaluation)

EVALUATION DATE						EVALUATION CONTROL NUMBER					
0	6	2	9	9	2						
M	M	D	D	Y	Y	Y	Y	M	M	D	D

C
AGENCY

DFR
TYPE

VIOLATION DATA:

NO VIOLATIONS
DISCOVERED ☐

VIOLATION AREAS (Do not check these. Enter into Violation Area below)

GENERATOR

GGR - General (A)
GLB - Land Ban(268)
GMR - Manifest(B)
GOR - Other(265)
GPT - Pre - Transport(C)
GRR - Record Keeping(D)
GSC - Special Conditions
GSQ - Small Quantity Gen.

TSR REQUIREMENTS

DCH - Chem/Phys/Biol(Q)
DCL - Close/Post Close(G)
DCP - Contingency(D)
DFR - Financial(H)
DGS - General(B)
DGW - Groundwater(F)
DIN - Incinerator(O)
DPP - Prepare/Prevent(C)
DSI - Surface Impound(K)
DLT - Land Treatment(M)

TRANSPORTER

TGR - General
TMR - Manifest
TOR - Other
TWD - Discharge/Spill

OTHER

CAS - corrective Action Schedule
FEA - Formal Enforcement Action

Add Change Delete	CONTROL NO.	VIOL AREA	CLASS	PRIORITY	DATE DETER.*	SCHED. COMP. DATE*	ACTUAL COMP. DATE*
<input checked="" type="checkbox"/>		DFR	1	2 P			
<input checked="" type="checkbox"/>		DFR	1	2 P			
<input checked="" type="checkbox"/>		DFR	1	2 P			
<input checked="" type="checkbox"/>		DFR	1	2 P			
<input checked="" type="checkbox"/>	001	DFR	1	2 P	06/24/92		01/22/93
<input type="checkbox"/>			1	2 P			
<input type="checkbox"/>			1	2 P			

AGENCY

S E= EPA
S= State

RESPONSIBLE PERSON

Barrett SCHAMMEL
LAST NAME

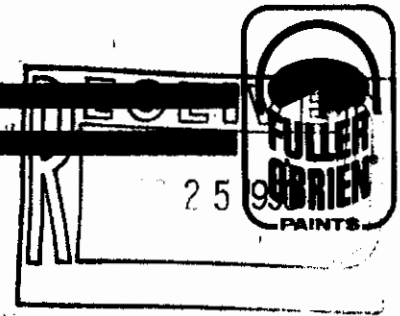
RESPONSIBLE SECTION

H-4-1
MAIL CODE

*Attach documentation of violation classification or compliance.

1AD 005 130 455

THE O'BRIEN CORPORATION



CERTIFIED MAIL
RETURN RECEIPT REQUESTED

April 30, 1990

Director
Toxic Substances Control Division
Department of Health Services
State of California
P. O. Box 942732, 714/744 P Street
Sacramento, CA 94234-7320

Dear Sir/Madam:

Attached is documentation demonstrating financial assurance for the facility located at 450 East Grand Avenue, So. San Francisco, CA, owned and operated by The O'Brien Corporation. This documentation meets the requirements of Title 22, California Code of Regulations, Sections 67003, 67015, 67027 and 67028 and 40 CFR Parts 264 and 265, for closure and post-closure care and liability coverage.

Please contact me at (415) 761-2300 with questions.

Sincerely,

Patricia L. Houle
Corporate Environmental Manager

PLH:sma
Atts.

cc: Mark Allen
EPA Region IX (RCRA)

THE O'BRIEN CORPORATION



April 30, 1990

Director
Toxic Substances Control Division
Department of Health Services
State of California
714/744 "P" Street
Sacramento, CA 95814

Guarantee made this April 30, 1990 by The O'Brien Corporation, a business corporation organized under the laws of the State of Indiana, herein referred to as guarantor, to The Department of Health Services (DHS) obligee on behalf of The O'Brien Corporation of 450 East Grand Avenue, South San Francisco, CA 94080.

Guarantor meets or exceeds the financial test criteria and agrees to comply with the reporting requirements for guarantors as specified in Section 67009 and 67021, Title 22, California Code of Regulations and 40CFR Part 264.143 (f), 264.145 (f), 265.143 (e), and 265.145 (e).

The O'Brien Corporation owns at least 50 percent of the voting stock of and/or operates the following hazardous waste management facility covered by this guarantee: The O'Brien Corporation, 450 East Grand Avenue, South San Francisco, CA 94080 - ID No. CAD005130455. This guarantee is for closure and post closure care.

"Closure plans" and "post-closure plans" as used below refer to the plans maintained as required by Division 30, Title 22, California Code of Regulations and Subpart G of 40 CFR Parts 264 and 265 for the closure and post-closure care of the facility as identified above.

For value received from the O'Brien Corporation, guarantor guarantees to DHS that in the event that The O'Brien Corporation fails to perform "closure and post-closure care" of the above facility in accordance with the closure of post-closure plans and other permit or interim status requirements whenever required to do so, the guarantor shall do so or establish a trust fund as specified in Sections 67009 and 67021, Title 22, California Administrative Code and Subpart H of 40 CFR Parts 264 and 265 as applicable, in the name of The O'Brien Corporation in the amount of the current closure or post-closure cost estimates.

Guarantor agrees that if at any time during or at the end of any fiscal year before termination of this guarantee the guarantor fails to meet the financial test criteria, guarantor shall send within 90 days, by either registered or certified mail, notice to DHS and to the EPA Region IX Administrator and to The O'Brien Corporation that he or she intends to provide alternate financial assurance as specified in Sections 67009 and 67021 and Subpart H of 40 CFR Parts 264 and 265 as applicable, in the name of The O'Brien Corporation.

April 30, 1990
Director
Toxic Substances Control Division
Page 2

Within 90 days after the end of such fiscal year or other occurrence, the guarantor shall establish such alternate financial assurance unless The O'Brien Corporation has done so.

The guarantor agrees to notify DHS and EPA Region IX by either registered or certified mail of a voluntary or involuntary proceeding under Title II (Bankruptcy), U.S. Code, naming guarantor as debtor within ten days after commencement of the proceeding.

Guarantor agrees that within 30 days after being notified by the DHS or EPA of a determination that guarantor no longer meets the financial test criteria or that he or she is disallowed from continuing as a guarantor of closure or post-closure care, he or she shall establish alternate financial assurance as specified on Sections 67009 and 67021 and Subpart H of 40CFR Parts 264 and 265 as applicable, in the name of The O'Brien Corporation unless The O'Brien Corporation has done so.

Guarantor agrees to remain bound under this guarantee notwithstanding any or all of the following: amendment or modification of the closure or post-closure plan, amendment or modification of the permit, the extension or reduction of the time of performance of closure or post-closure or any other modification or alteration of an obligation of the owner or operator pursuant to Division 30 of title 22, California Administrative Code and 40 CFR Parts 264 and 265.

Guarantor agrees to remain bound under this guarantee for so long as The O'Brien Corporation must comply with the applicable financial assurance requirements for the above-listed facilities except that guarantor may cancel this guarantee by sending notice by registered or certified mail to DHS and to The O'Brien Corporation such cancellation to become effective no earlier than 120 days after receipt of such notice by both DHS and The O'Brien Corporation, as evidenced by the return receipts.

Guarantor agrees that if The O'Brien Corporation fails to provide alternate financial assurance as specified in Sections 67003 through 67010, Title 22, California Administrative Code and Subpart H of 40CFR Parts 264 and 265 as applicable, and obtain written approval of such assurance from DHS within 90 days after a notice of cancellation by the guarantor is received by DHS from guarantor, guarantor shall provide such alternate financial assurance in the name of The O'Brien Corporation.

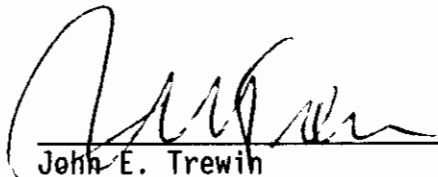
Guarantor expressly waives notice of acceptance of this guarantee by DHS or EPA or by The O'Brien Corporation. Guarantor also expressly waives notice of amendments or modifications of the closure and/or post-closure plan and of amendments or modifications of the facility permit(s).

April 30, 1990
Director
Toxic Substances Control Division
Page 3

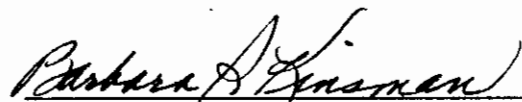
The parties below certify that this document is being executed in accordance with the requirements of Article 17, Title 22, California Code of Regulations and 40 CFR Parts 264 and 265/

Effective date: April 30, 1990

THE O'BRIEN CORPORATION



John E. Trewin
Vice President Finance and Treasurer



Barbara S. Kinsman

THE O'BRIEN CORPORATION



April 30, 1990

Director
Toxic Substances Control Division
Department of Health Services
State of California
714/744 "P" Street
Sacramento, CA 95814

Dear Sir/Madam:

I am the chief financial officer of The O'Brien Corporation, 450 East Grand Avenue, So. San Francisco, CA 94080.

This letter is in support of the use of the financial test to demonstrate financial responsibility for liability coverage and closure and/or post-closure care as specified in Division 30, Title 22, California Administrative Code and 40 CFR Parts 264 and 265.

The owner or operator identified above is the owner or operator of the following facilities which liability coverage is being demonstrated through the financial test specified in Division 30, Title 22, California Administrative Code and 40 CFR Parts 264 and 265.

450 East Grand Avenue. So. San Francisco, CA 94080, CAD005130455:

Sudden: \$1 million per occurrence with an annual aggregate of \$2 million per facility.

Non-sudden: \$3 million per occurrence with an annual aggregate of \$6 million.

The corporation identified above is the Guarantor of the following subsidiary facility(ies) for which liability coverage is being demonstrated through the Corporate Guarantee as specified in Division 30, Title 22, California Administrative Code, Section 67031 and 40 CFR Parts 264 and 265, (Liability Coverage - Alternative Mechanism): None.

The owner or operator identified above owns or operates the following facilities for which financial assurance for closure or post-closure care is demonstrated through the financial test specified in Section 67009 and 67021, Title 22, California Administrative Code and 40 CFR Parts 264 and 265:

450 East Grand Avenue, So. San Francisco, CA 94080, CAD005130455.

Closure: \$ 16,000

Post-Closure: \$370,000

Director, Toxic Substances Control Division
April 30, 1990
Page 2

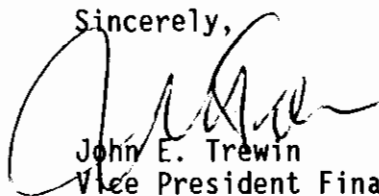
The Corporation identified above guarantees, through the corporate guarantee specified in Sections 67009 and 67021, Title 22, California Administrative Code and Subpart H of 40 CFR Parts 264 and 265, the closure and post-closure care of the following facilities owned or operated by its subsidiaries. The current cost estimates for the closure or post-closure care so guaranteed are shown for each facility: None.

The owner or operator identified above owns or operates the following facilities for which financial assurance for closure or post-closure care is not demonstrated through this financial test or through any other financial assurance mechanism as specified in Division 30, Title 22, California Administrative Code. The current closure and/or post-closure cost estimates not covered by such financial assurance are shown for each facility: None.

This owner or operator is not required to file a Form 10-K with the Securities and Exchange Commission (SEC) for the latest fiscal year.

The fiscal year of this owner or operator ends on December 31, 1989. The figures for the following items marked with an asterisk are derived from this owner's or operator's independently audited, year-end financial statements for the latest completed fiscal year ended December 31, 1989, using either Alternative I or Alternative II.

Sincerely,



John E. Trewin
Vice President Finance and Treasurer

JET:sma

THE O'BRIEN CORPORATION



April 30, 1990

Director, Toxic Substances Control Division
California Department of Health Services
714-744 "P" Street
Sacramento, CA 95814

GUARANTEE made this 30th Day of April, 1990 by The O'Brien Corporation, a business corporation organized under the laws of the State of Indiana, whose principal place of business is at 450 East Grand Avenue, South San Francisco, California 94080, herein referred to as guarantor. This guarantee is made on behalf of our subsidiary to any and all third parties who have sustained or may sustain bodily injury or property damage caused by sudden and/or non-sudden accidental occurrences arising from operation of the facility covered by this guarantee.

Guarantor meets or exceeds the financial test criteria and agrees to comply with the reporting requirements for guarantors as specified in 40 CFR 264.147 (g) and 265.147 (g) and Section 67030 of Title 22, California Code of Regulations.

The O'Brien Corporation owns or operates the following hazardous waste management facility covered by this guarantee:

<u>ID No.</u>	<u>Name and Address</u>
---------------	-------------------------

CAD 005130455	The O'Brien Corporation, 450 E. Grand Ave., So. San Francisco, CA 94080
---------------	---

This corporate guarantee satisfies Resource Conservation and Recovery Act (RCRA) and state third-party liability requirements for sudden or non-sudden accidental occurrences in the above-named owner operator facility for coverage in the amount of:

Sudden, as defined in Section 66096, in the amount of \$1 million per occurrence with an annual aggregate at least \$2,000,000 per facility, exclusive of legal defense costs; and for

Non Sudden, as defined in Section 66200, 66123, or 66125, in the amount of \$3 million per occurrence per facility, as defined in Section 66096, with an annual aggregate of \$6 million per facility, exclusive of legal defense costs.

For value received from owner guarantor guarantees to any and all third parties who have sustained or may sustain bodily injury or property damage caused by sudden and/or non-sudden accidental occurrences arising from operations of the facility covered by this guarantee that in the event that owner fails to satisfy a judgment or award based on a determination of liability for bodily injury or property damage to third parties caused by sudden and/or non-sudden accidental occurrences, arising from the operation of the above-named facility, or fails to pay an amount agree to in settlement of

April 30, 1990
Director
Toxic Substances Control Division
Page 2

a claim arising from or alleged to arise from such injury or damage, the guarantor will satisfy such judgment, award, or settlement agreement up to the limits of coverage identified above.

Guarantor agrees that if at any time during or at the end of any fiscal year before termination of this guarantee, the guarantor fails to meet the financial test criteria, guarantor shall send within ninety (90) days, by certified mail, notice to the U.S. Environmental Protection Agency Regional Administrator for the Region in which the facility is located and the State Department of Health Services and to owner that he or she intends to provide alternate liability coverage as specified in 40 CFR 264.147 and 265.147, as applicable, and Sections 67027 and 67028 of Title 22, California Code of Regulations in the name of owner. Within 120 days after the end of such fiscal year, the guarantor shall establish such liability coverage unless owner has done so.

The guarantor agrees to notify the EPA Regional Administrator and the Department by certified mail of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming guarantor as debtor, within (10) days after commencement of the proceedings.

Guarantor agrees that within thirty (30) days after being notified by an EPA Regional Administrator or the Department of a determination that guarantor no longer meets the financial test criteria or that he or she is disallowed from continuing as a guarantor, that alternate liability coverage shall be established as specified in 40 CFR 264.147 or 265.147 and Sections 67027 and 67028 of Title 22, California Code of Regulations in the name of owner unless owner has done so.

Guarantor reserves the right to modify this agreement to take into account amendment or modification of the liability requirements set by 40 CFR 264.147 and 265.147 and Sections 67027 and 67028 of Title 22, California Code of Regulations, provided that such modification shall become effective only if a Regional Administrator or the Department does not disapprove the modification within thirty (30) days of receipt of notification of the modification.

Guarantor agrees to remain bound under this guarantee for so long as owner must comply with the applicable requirements of 40 CFR 264.147 and 265.147 and Section 67027 and 67028 of Title 22, California Code of Regulations for the above-listed facility except as provided in paragraph 9 of this agreement.

Guarantor may terminate this guarantee by sending notice by certified mail to the EPA Regional Administrator for the Region in which the facility is located, to the Department, and to the owner provided that this guarantee may not be terminated unless and until the owner obtains, and the EPA Regional Administrator of the Department approves alternative liability coverage complying with 40 CFR 264.147 and 265.147 and Section 67027 and 67028 of Title 22, California Code of Regulations.

Guarantor hereby expressly waives notice of acceptance of this guarantee by any party.

Guarantor agrees that this guarantee is in addition to and does not affect any other responsibility or liability of the guarantor with respect to the covered facilities.

EXCLUSIONS

This corporate guarantee does not apply to:

- (i) Bodily injury or property damage for which the owner or operator is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that the owner or operator would be obligated to pay in the absence of the contract or agreement.
- (ii) Any obligation of the owner or operator under a workers' compensation, disability benefits, or unemployment compensation law or any similar laws.
- (iii) Bodily injury to:
 - (A) An employee of the owner or operator arising from, and in the course of, employment by the owner or operator; or
 - (B) The spouse, child, parent, brother, or sister of that employee as a consequence of, or arising from, and in the course of, employment by the owner or operator.

This exclusion applies:

- (1) Whether the owner or operator may be liable as an employer or in any other capacity; and
- (2) To any obligation to share damages with or repay another person who must pay damages because of the injury to persons identified in paragraphs (A) and (B).
- (iv) Bodily injury or property damages arising out of the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft.
- (v) Property damage to:
 - (A) Any property owned, rented, or occupied by the owner or operator;
 - (B) Premises that are sold, given away, or abandoned by the owner or operator if the property damage arises out of any part of those premises;
 - (C) Property loaned to the owner or operator;
 - (D) Personal property in the care, custody, or control of the owner or operator;
 - (E) That particular part of real property on which the owner or operator or any contractor or subcontractors working directly or indirectly on

April 30, 1990
Director
Toxic Substances Control Division
Page 4

behalf of the owner or operator are performing operations, if the property damage arises out of these operations.

I hereby certify that the wording of this guarantee is identical to the wording specified in 40 CFR Section 264.151(h) (2) with additional citations to the California Code of Regulations.

Effective Date: April 30, 1990

The O'Brien Corporation
Name of Guarantor

Mark R. Allen
Authorized Signature for Guarantor

Mark R. Allen
Name of Person Signing

Corporate Secretary
Title of Person Signing

Barbara S. Kinsman
Signature of Witness or Notary

Barbara S. Kinsman
Name of Witness or Notary



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
215 Fremont Street
San Francisco, Ca. 94105

11 SEP 1989

Lucille van Ommering, Chief
Financial Responsibility Unit
Toxics Substances Control Division
Department of Health Services
P.O. Box 942-732
740-744 P. Street
Sacramento, CA 94274-7320

Dear Ms. van Ommering:

Enclosed are the notes from the August 28, 1989 financial responsibility enforcement coordination meeting. The notes contain confidential enforcement information.

I look forward to our next meeting, scheduled for November 29, 1989 at 10 A.M. in Sacramento.

If you have any questions regarding the enclosed notes, please feel free to contact me at (415) 974-8918.

Sincerely,

A handwritten signature in cursive script that reads "Arnold Robbins".

Arnold Robbins
RCRA California Enforcement Section

cc: Don Johnson, DHS-HQ
Alex Cunningham, DHS-HQ
Doug Krause, DHS-NCCS
Brad Parsons, DHS-NCS
Paula Rasmussen, DHS-LB
Diana Thomas, DHS-HQ
Dave Willis, DHS-HQ
Scott Simpson, DHS-LA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
215 Fremont Street
San Francisco, Ca. 94105

ENFORCEMENT CONFIDENTIAL

11 SEP 1989

MEMORANDUM

SUBJECT: Summary of the August 28, 1989 Financial
Responsibility Enforcement Coordination Meeting

FROM: Arnold Robbins *AR*
EPS, California Enforcement Section

TO: Steve Johnson
Chief, California Enforcement Section

Lucille van Ommering, Diana Thomas and I met for our monthly enforcement coordination meeting. What follows is a summary of our meeting.

I. FY 89 BOY SNCs

First Quarter Commitments

1. Texaco/Tosco: On June 30, 1986 Texaco purchased the Tosco Bakersfield site. Texaco claims that the ponds located at the Tosco Bakersfield site are not RCRA regulated. However, Texaco has yet to substantiate this claim. As a result, the Tosco EPA Bakersfield identification number will remain in the Hazardous Waste Data Management System (HWDMS) until a determination is made. In addition, DHS-FRU will complete one financial responsibility record review for Texaco and Tosco but will submit two separate Compliance Monitoring and Enforcement Logs (CMEL) to EPA - one for the Texaco HWDMS record and one for the Tosco HWDMS record.

2. Aerochem: This attorney general referral is still in settlement negotiations.

Second Quarter Commitment

1. O'Brien: A CAO was issued to the facility on March 31, 1989. Settlement negotiations between DHS-FRU and the facility continue.

R & R Industrial	8/89	Reg. 3	CAD000088252
Robert Graphic	8/89	Reg. 3	CAD008246746

IV. Policy Issue

There were no policy issues to report this month.

V. Miscellaneous

A. Casmalia Resources

On May 25, 1989 the facility and EPA entered into a consent agreement and final order. On June 27, 1989 the facility came into full compliance with the CA/FO.

B. Marley Cooling Tower

On August 31, 1989 the EPA filed a reply brief to Marley Cooling Tower's July 14, 1989 brief on the issue of penalties. Both parties await the ALJ's decision.

VI. Next Meeting

DHS and EPA have agreed to hold the financial responsibility coordination meeting every three months instead of every month. The next financial responsibility coordinator's meeting is scheduled for November 29, 1989 in Sacramento at 10:00 A.M.

DEPARTMENT OF HEALTH SERVICES

714/744 P STREET
P.O. BOX 942732
SACRAMENTO, CA 94234-7320

(916) 324-3752

AUG 22 1989



Arnold Robbins
U.S. Environmental Protection Agency
Region IX
RCRA California Enforcement Section
215 Fremont Street
San Francisco, California 94105

Dear Mr. Robbins:

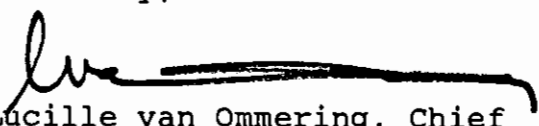
FINANCIAL RESPONSIBILITY ENFORCEMENT MEETING

The minutes from the July 26, 1989 Financial Responsibility Enforcement Meeting are enclosed. The minutes contain enforcement confidential information.

I look forward to our next meeting scheduled for August 29, 1989 at 10:00 a.m. in San Francisco.

If you have any questions, please feel free to contact Diana Thomas at (916) 324-2997.

Sincerely,


Lucille van Ommering, Chief
Financial Responsibility Unit

Enclosure

cc: Alex Cunningham
Chief Deputy Director

Dave Willis
Deputy Director

Paul Blais, Chief
Hazardous Waste Management Unit

Chuck McLaughlin, Chief
FPU/Region 1

Doug Krause, Chief
S&E/Region 2

Dennis Dickerson, Chief
Region 3

Paula Rasmussen
S&E/Region 4

ENFORCEMENT CONFIDENTIAL

EPA/DHS ENFORCEMENT COORDINATION MEETING
JULY 26, 1989 - 10:00 A.M.
SACRAMENTO, CALIFORNIA
MINUTES

I. FY 1989 BOY SNCs

A. First Quarter Commitment

1. Tosco/Bakersfield - Bill Veile of the Department of Health Services Region 1, reported to the U.S. Environmental Protection Agency (EPA) that Texaco has not yet proven that the ponds are not Resource Conservation and Recovery Act (RCRA) regulated. The Tosco EPA identification number will remain in the Hazardous Waste Data Management System (HWDMS) until a determination is made. Tosco facility is currently covered under Texaco financial test.
2. Aerochem - The attorney general referral is still in settlement negotiations.

B. Second Quarter Commitment

1. O'Brien Corporation - In settlement negotiations.

C. Third Quarter Commitment

1. Teledyne McCormick Selph - In compliance June 14, 1989.

D. Fourth Quarter Commitment

1. West Contra Costa County Sanitary Landfill - On March 27, 1989, Paul Blais, of the Department sent a letter to Karen Schwinn, EPA confirming the state will address all issues. A civil order was issued February 27, 1989.

II. HPVs

Diana Thomas did not have any HPVs to report.

EPA/DHS Enforcement Coordination Meeting
Page 2

III. GRANT REVIEWS

Financial responsibility record reviews completed for June and July, 1989:

<u>MAJOR FACILITY</u>	<u>REGION</u>	<u>EPA ID #</u>
PG&E Moss Landing	2EM	CAT080011653
Tosco Corporation	2EM	CAD000072751
O'Brien	2EM	CAD005130455
PG&E Humboldt	2EM	CAT080011562
EPC Westside	1SAC	CAT080010283
*Beckman Instruments	1SAC	CAD048645444
Marley Cooling Towers	1SAC	CAD009140120
PG&E - Diablo	1SAC	CAD077966349
*FMC - Fresno	1SAC	CAD000629998
*J.H. Baxter	1SAC	CAD000625731
Rockwell Rocketdyne	3LA	CAD093365435

<u>NON-MAJOR FACILITY</u>	<u>REGION</u>	<u>EPA ID #</u>
Amchem	2EM	CAD009152364
Autek Systems	2EM	CAT000623835
Fabricated Circuits	2EM	CAD082898180
Inprint Corporation	2EM	CAT080013840
Solvent Service	2EM	CAD059494310
GE Nuclear	2EM	CAD053914206
Hewlett Packard - Piner	2EM	CAT000624866
International Business Machines	2EM	CAD990843989
Physics International Company	2EM	CAD000626762
Varian Associates	2EM	CAT000625392
BASF - Dinuba	1SAC	CAD057627036
*American Environmental	1SAC	CAD980884183
FMC Corporation	1SAC	CAD000625798
Alameda Labs	3LA	CAD070635669
DVH Corporation	3LA	CAD066654096
Northrop Corporation	3LA	CAD008268302
American Chem Etching	3LA	CAD009545344
Electrofilm, Inc.	3LA	CAD009545344
Omega Oil	3LA	CAD009661844
General American Transport	4LB	CAD055698815
Johnson Control	4LB	CAD008323388
PPG Industries	4LB	CAD000832343

* Additions or changes to the original planned date of inspection.

IV. POLICY ISSUE

If an owner/operator intends to "clean close" a facility and does not plan on post-closure care, must the owner/operator provide financial assurance for post-closure care for that facility? In accordance with state and federal regulations, an owner/operator must prepare for the most expensive alternative using third party costs. The Department's Financial Responsibility Unit interprets this to mean that although an owner/operator plans to "clean close" a facility, he/she must provide financial assurance for post-closure care in the event they are unable to "clean close".

Arnold Robbins of EPA reported that there were still some unanswered questions regarding this issue and that he would report his findings after discussing with Steve Johnson of EPA. On August 4, 1989, Diana Thomas received a response to this policy issue question. The following is the response:

An owner or operator that plans to clean close a permitted facility will need to establish financial assurance for post-closure care if the establishment of post-closure financial assurance is a permit requirement. In establishing post-closure financial assurance requirements in a permit, the Department will want to consult the regulations for the specific hazardous waste management unit in question. The permit regulations (40 CFR, Section 264) do not envision landfills clean closing and therefore require post-closure financial assurance. The requirements for land treatment facilities, tank systems, surface impoundments, and waste piles may allow for clean closure without financial assurance for post-closure. This depends on whether these units meet certain performance and/or design criteria of specific hazardous waste management units that would allow owners or operators to clean close without post-closure financial assurance. Please consult 40 CFR, Sections 264.197, 264.228, 264.258, and 264.280.

An owner or operator who plans to clean close an interim status facility may or may not need to establish post-closure financial assurance. The interim status regulations (40 CFR, Section 265) do not envision landfills or land treatment facilities clean closing and therefore require post-closure financial assurance. The requirements for tank systems, surface impoundments, and waste piles may allow for clean closure without financial assurance for post-closure. This depends on whether these units meet certain performance and/or design criteria of specific hazardous waste management units that would allow owners or operators to clean close without post-closure financial assurance. Please consult 40 CFR, Sections 265.197, 265.228, and 265.258.

EPA/DHS Enforcement Coordination Meeting
Page 4

V. MISCELLANEOUS

- A. Casmalia - Arnold Robbins reported that Casmalia is sending in submittals and most are due by July 30, 1989.
- B. Marley Cooling Towers - Arnold Robbins will confirm the date that briefs were filed with the court. The facility is not contesting the alleged operational violations in the complaint.

VI. NEXT MEETING

The next DHS/EPA Enforcement Coordination Meeting is scheduled for August 29, 1989, at 10:00 a.m. in San Francisco.

DEPARTMENT OF HEALTH SERVICES

714/744 P STREET
SACRAMENTO, CA 95814



MAY 09 1989

Arnold Robbins
U.S. Environmental Protection Agency
Region IX
RCRA California Enforcement Section
215 Fremont Street
San Francisco, CA 94105

Dear Arnold:

FINANCIAL RESPONSIBILITY ENFORCEMENT MEETING

The notes from the April 26, 1989 Financial Responsibility Enforcement Coordination Meeting are enclosed. The notes contain confidential enforcement information.

I look forward to our next meeting scheduled for Thursday, May 25, 1989 at 10:00 a.m. in San Francisco.

If you have any questions, please feel free to contact Diana Thomas at (916) 324-2997.

Sincerely,


Rubia Bertram, Chief
Financial Responsibility Unit

Enclosure

cc: Paul Blais, DHS/HQ
Alex Cunningham, DHS/HQ
Dave Willis, DHS/HQ
Doug Krause, DHS/NCCS
Brad Parsons, DHS/NCS
Paul Rasmussen, DHS/LB
Dennis Dickerson, DHS/LA

ENFORCEMENT CONFIDENTIAL

Department of Health Services/
U.S. Environmental Protection Agency
Financial Responsibility Enforcement Coordination Meeting
Minutes

Date/Time/Location: April 26, 1989 at 10:00 a.m. in San Francisco

Attendees: Arnold Robbins, U.S. Environmental Protection Agency (EPA)

Diana Thomas, Department of Health Services,
(DHS)/ Financial Responsibility Unit (FRU)

Old Business

Casmalia - The language of the EPA Consent Order has been finalized and copies have been sent to the facility representatives for signature. EPA expects to have the final order completed in approximately 2 weeks. In accordance with the compliance schedule of the order, Casmalia will be required to make certain submittals to EPA. Per our request, DHS will be reviewing those submittals.

Tosco/Texaco - EPA is investigating possible outstanding operational violations at this facility. The Tosco, Bakersfield EPA ID number will be deleted from HWDMS once those violation have been cleared.

Marley Cooling Tower - Negotiations are ongoing. The attorneys for each side met with the administrative law judge and briefs will be filed within the next 30 days.

O'Brien Corporation - The state corrective action order was issued March 31, 1989.

New Business

FY 89 BOY SNCs - Arnold Robbins provided Diana Thomas with a copy of a letter from Karen Schwinn to Paul Blais which contained the final list of FY 89 BOY SNCs. Included in the list are the following financial responsibility enforcement actions: Teledyne McCormick Selph due in the 3rd Qtr.; and West Contra Costa County Sanitary Landfill due in the 4th Qtr.

Emergency Response Policy (ERP) - Arnold Robbins indicated the EPA End-of-Year review will focus on timely and appropriate enforcement actions taken where violations are found.

High Priority Violators (HPV) were briefly discussed and Diana informed Arnold that FRU staff are currently recommending HPVs to the FRU chief for review and approval. This procedure will ensure quality assurance and control.

DEPARTMENT OF HEALTH SERVICES

714/744 P STREET
SACRAMENTO, CA 95814



MAY 09 1989

Arnold Robbins
U.S. Environmental Protection Agency
Region IX
RCRA California Enforcement Section
215 Fremont Street
San Francisco, CA 94105

Dear Arnold:

FINANCIAL RESPONSIBILITY ENFORCEMENT MEETING

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I look forward to our next meeting scheduled for Thursday, May 25, 1989 at 10:00 a.m. in San Francisco.

If you have any questions, please feel free to contact Diana Thomas at (916) 324-2997.

Sincerely,


Rubia Bertram, Chief
Financial Responsibility Unit

Enclosure

cc: Paul Blais, DHS/HQ
Alex Cunningham, DHS/HQ
Dave Willis, DHS/HQ
Doug Krause, DHS/NCCS
Brad Parsons, DHS/NCS
Paul Rasmussen, DHS/LB
Dennis Dickerson, DHS/LA

ENFORCEMENT CONFIDENTIAL

Department of Health Services/
U.S. Environmental Protection Agency
Financial Responsibility Enforcement Coordination Meeting
Minutes

Date/Time/Location: April 26, 1989 at 10:00 a.m. in San Francisco

Attendees: Arnold Robbins, U.S. Environmental Protection Agency (EPA)

Diana Thomas, Department of Health Services,
(DHS)/ Financial Responsibility Unit (FRU)

Old Business

Casmalia - The language of the EPA Consent Order has been finalized and copies have been sent to the facility representatives for signature. EPA expects to have the final order completed in approximately 2 weeks. In accordance with the compliance schedule of the order, Casmalia will be required to make certain submittals to EPA. Per our request, DHS will be reviewing those submittals.

Tosco/Texaco - EPA is investigating possible outstanding operational violations at this facility. The Tosco, Bakersfield EPA ID number will be deleted from HWDMS once those violation have been cleared.

Marley Cooling Tower - Negotiations are ongoing. The attorneys for each side met with the administrative law judge and briefs will be filed within the next 30 days.

O'Brien Corporation - The state corrective action order was issued March 31, 1989.

New Business

FY 89 BOY SNCs - Arnold Robbins provided Diana Thomas with a copy of a letter from Karen Schwinn to Paul Blais which contained the final list of FY 89 BOY SNCs. Included in the list are the following financial responsibility enforcement actions: Teledyne McCormick Selph due in the 3rd Qtr.; and West Contra Costa County Sanitary Landfill due in the 4th Qtr.

Emergency Response Policy (ERP) - Arnold Robbins indicated the EPA End-of-Year review will focus on timely and appropriate enforcement actions taken where violations are found.

High Priority Violators (HPV) were briefly discussed and Diana informed Arnold that FRU staff are currently recommending HPVs to the FRU chief for review and approval. This procedure will ensure quality assurance and control.























Excavation 1, EB-28, approximately 27 feet by 12 feet
(6/11/2000)



3

Start of Excavation ~~2~~ 3, near EB-18. Pottery shards, wood and other debris are evident. (6/11/2000)



In this portion of Excavation β^3 , pottery shards are evident along the right and back side walls. (Note: The soil over the pottery shard layer is clean, based on test results.) Pottery shards, and a few bricks, that were not fully removed during earlier excavations are also evident at the bottom of the excavation. These were later removed before backfilling. (6/11/2000)



Very slight sheen on the puddle within Excavation β^2 . (6/11/200)




Excavation ϕ^2 (at SWB-6), viewed from the west. Note puddle in foreground. Because sampling results did not indicate this soil was clean, this pit was further excavated. (6/11/2000)



Clean soil pile east of Excavation 2. This soil was later used to cover the gray backfill soil. ~~7/7/2000~~ (6/14/2000)

yes

Bay muds ? 



Soil Piles west of Excavation ³2. The right middle and left piles contain: organic non-RCRA waste; organic RCRA waste (TCLP for lead) with low-level organics; and highly contaminated soil with pottery shards. Note the edge of the new asphalt pad on the right. (6/14/2000)



Excavation ~~2~~_{1/2} now completed. The water at the bottom of the excavation is from bay infiltration rather than groundwater seepage. (6/19/2000)



Excavation 4 started. View from the south. The red layer at the northern end of the excavation is particularly high in lead. (6/19/2000)



Excavation ³/₂, viewed from the south. Stained soil evident in at the southern end of the excavation. Oxygen Release Compound was added in this area during backfilling in the southern end of this excavation. (6/14/2000)



Northern edge of Excavation ³/₂ now complete. Note the building foundation at the edge of the excavation. The column in the foreground is a pier for a former building. (6/19/2000)



Excavation 4, looking north. (6/27/2000)



The (working) edge of Excavation 4 and the soil pile near the excavation. The soil is darkly stained. (6/27/2000)



Yellow resin-like material high in lead content appears above dark stained soil in the left half of the picture and to the left of Mike Harrison. (7/7/2000)



Excavator removing darkly stained soil. The soil had only a mildly organic odor. (7/7/2000)



Excavator removing soil approximately 15 feet below grade in Excavation 4. The bank in the foreground (left side) was known to be high in VOCs and later excavated. (7/7/2000)



Pothole Excavations (right center and left side) north of Excavation 4. The potholes contained the same red layer (shown later) that was high in lead. The entire area was later excavated. (7/7/2000)



Half of an oversized (~100 gallon) soil-filled drum on right, yellow resin-like material at the base of the soil pile (7/11/2000).



Hydrocarbon material seeping into ponded water. Picture taken looking east. This area is east (along a line parrallel to the new asphalt pad) of the tank on east side of the warehouse. Soil filled drum also pictured. (7/11/2000)



Red Layer to the left and below notebook is high in lead. The notebook is resting on pot shards. This location is beneath the temporary haul road at the northern edge of Excavation 4. The area was later excavated. (7/11/2000)



A portion of Excavation 4 looking west. The building foundation (with scrape marks from the excavator) is the same one that bordered the northern edge of Excavation 3. (7/11/2000)



Southern extent of Excavation 4. The gray soil on the right is backfill from Excavation 3. (7/11/2000)



Northern extent of Excavation 4. Teeth and track marks evident throughout the area. (7/14/2000)



Looking northeast at VOC area within Excavation 4, now covered by backfill to prevent water infiltration through the beach sand. The well-sorted backfill is fines from a rock crushing process at a Brisbane quarry. The same material overlies the western haul road in foreground. (7/14/2000)



Northern Edge of Excavation 4 looking east. The temporary haul road, which led to the VOC area, has been excavated. (7/14/2000)



Mike Harrison standing on clay area in front of backfill. To the (viewer's) left is the deepest portion of the excavation, a square shaped area now backfilled with rock. Drums were found during the initial stages of Excavation 4 at this area. The rock backfill throughout the area (Excavation 4) is used to "bridge" ponded water at the base of the excavation, which provides a stable base for the backfill. (7/14/2000)

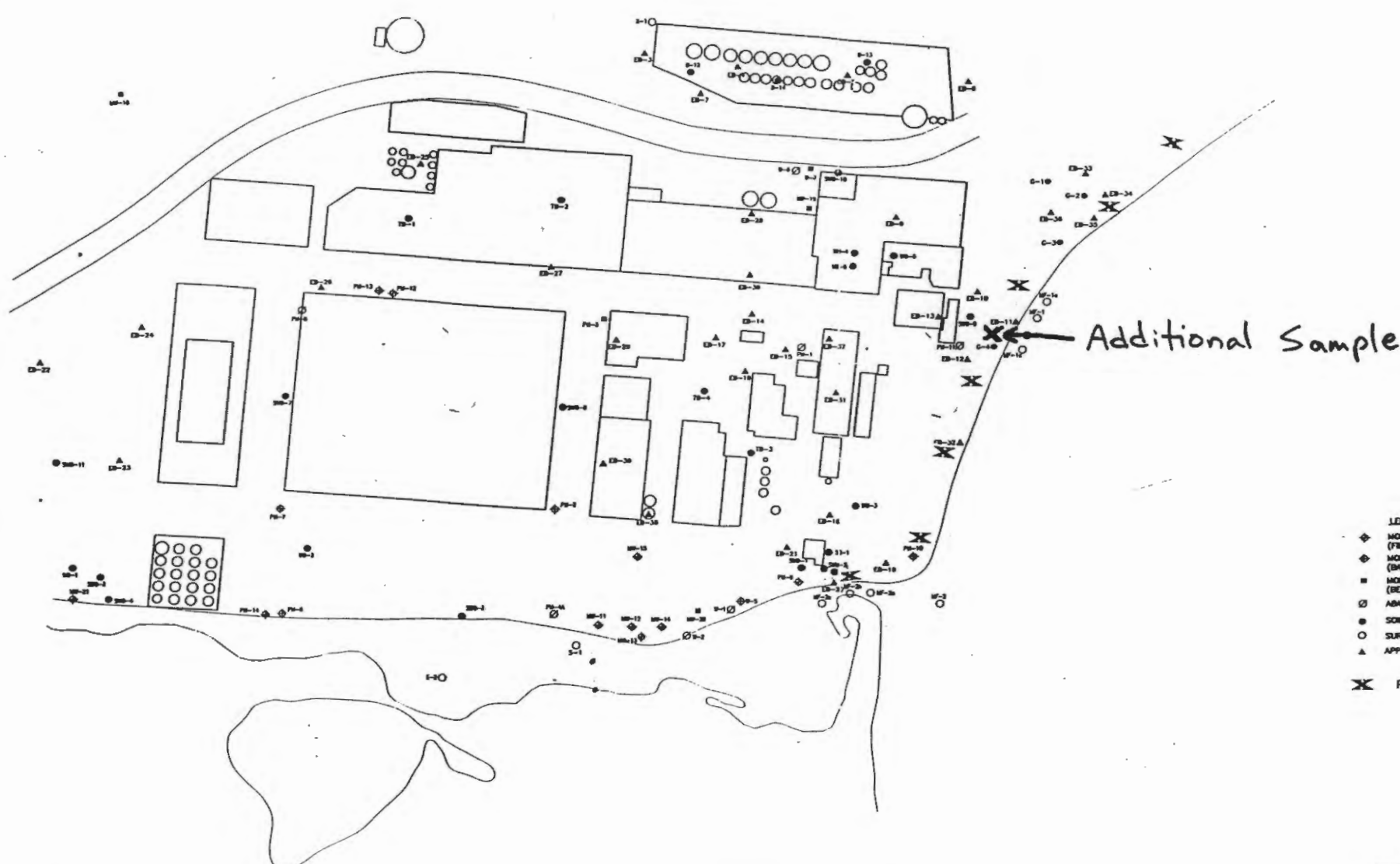


View from the north edge of Excavation 4, now complete. A haul road has now been constructed at the southern end. The excavator is completing a second haul road which extends down from the break in the orange fence (7/14/2000)

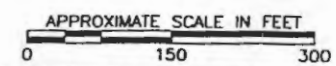


View of Excavation 4, now complete, from the south. The northwestern edge of the excavation is shadowed by the hill. (7/14/2000)

09-22-97



- LEGEND
- ◆ MONITORING WELLS AND PIEZOMETERS (FILL MATERIAL)
 - ◇ MONITORING WELLS AND PIEZOMETERS (SAY MUD AND COLLUMINUM)
 - MONITORING WELLS AND PIEZOMETERS (BEDROCK)
 - ABANDONED MONITORING WELLS AND PIEZOMETERS
 - SOIL BORINGS
 - SURFACE WATER AND SEDIMENT STATIONS
 - ▲ APPROXIMATE GEDPROBE SAMPLING POINT
 - ✕ PROPOSED GW SAMPLING LOCATION



APPLIED ENVIRONMENTAL STRATEGIES

PROPOSED GROUNDWATER MONITORING LOCATIONS

THE O'BRIEN CORPORATION
450 E. GRAND AVENUE
SOUTH SAN FRANCISCO, CALIFORNIA

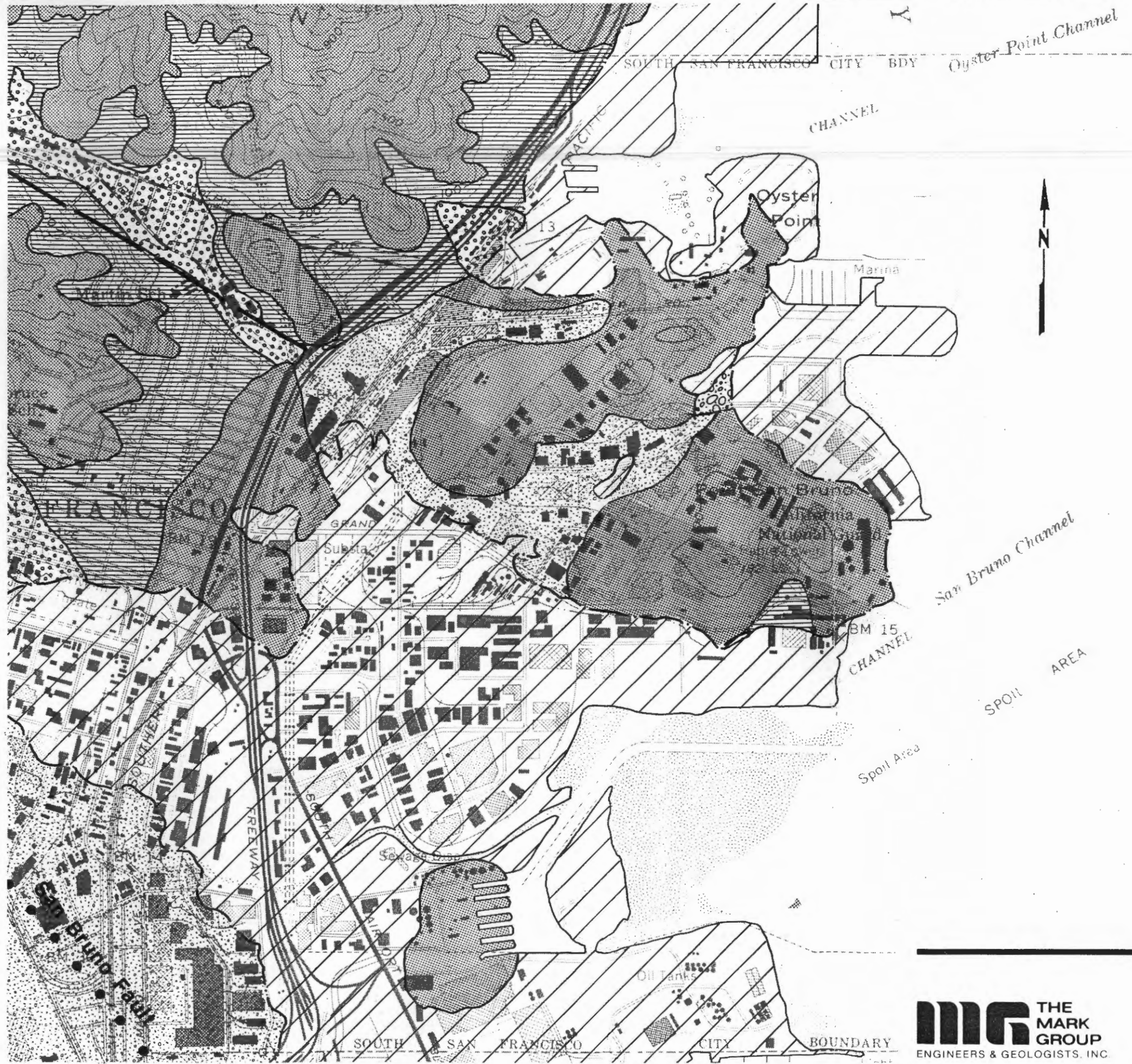
Figure

1








Date 11/17/89

Approved By NDM

Prepared by DR



EXPLANATION

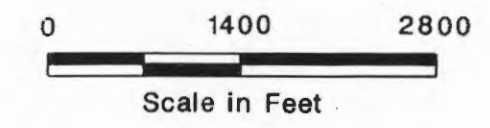
-  KJf Mesozoic - Franciscan Formation
-  Qm Pleistocene - Colma Formation: marine & marine terrace deposits
-  Qcf Fill over alluvium and younger estuarine mud
-  Qcl Colluvium
-  Qyf Coarse-grained younger alluvial fan deposits
-  Qb Beach sand
-  Fault; dashed where approximately located, dotted where concealed

Base Map: USGS 7.5' topographic series, San Francisco South quadrangle

Sources: Lajoie, K.R.; Helley, E.J.; Nichols, D.R.; Burke, D.B. (1974), Geology Map of Unconsolidated and Moderately Consolidated Deposits of San Mateo County, California

Jenkins, O.P.; Jennings, C.W.; Burnett, J.L. (1961) Geologic Map of California Series, San Francisco Sheet

Note: Geology shown represents native base materials assumed to be present before industrialization



Regional Geologic Map



Addendum to the Hydrogeological Assessment Report
The O'Brien Corporation
South San Francisco, California

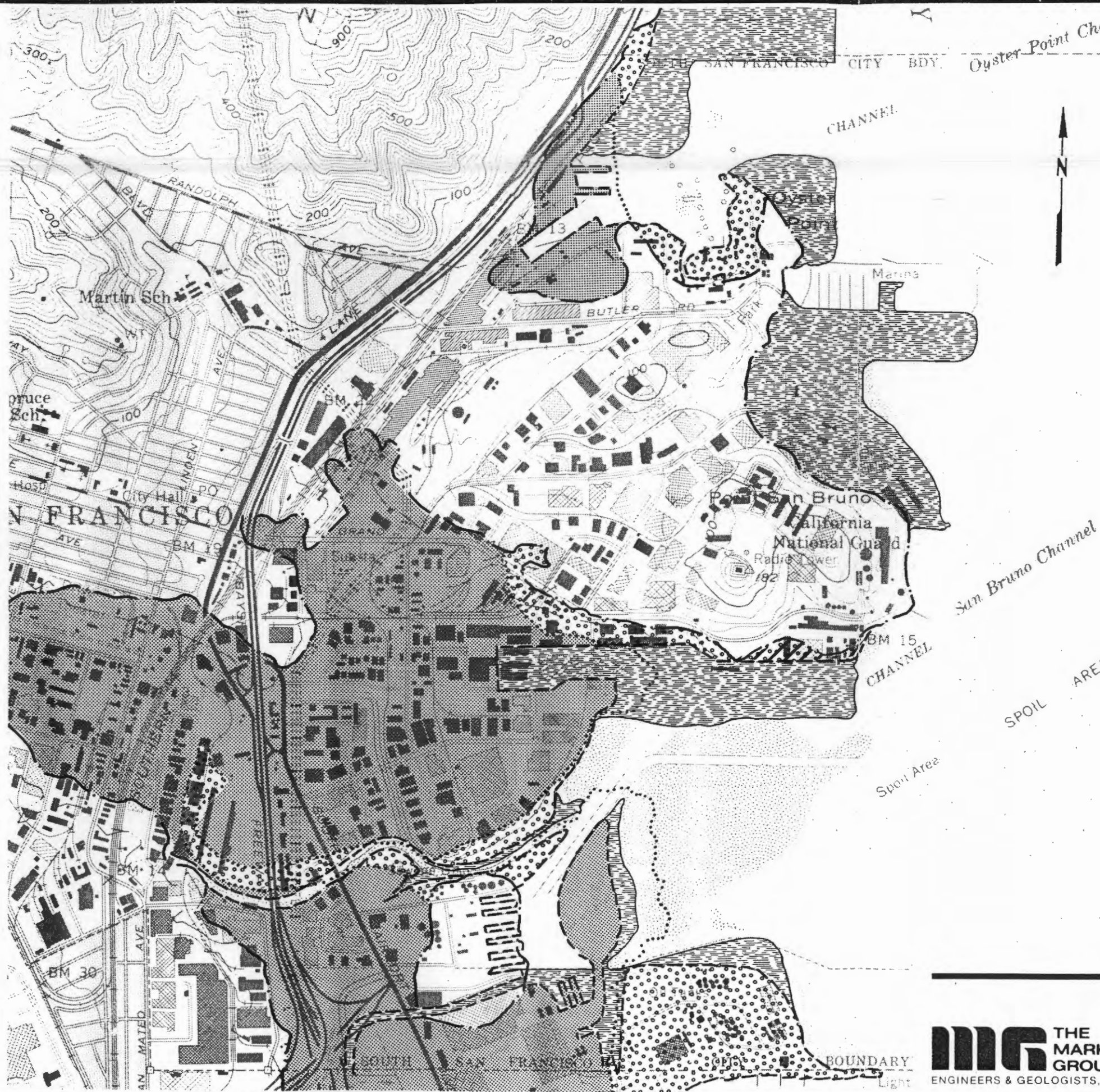
PROJECT NO.
88-01258.28

DRAWING NO.
4-2





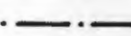



Date 11/17/88

Approved By NDM

Prepared By GNM



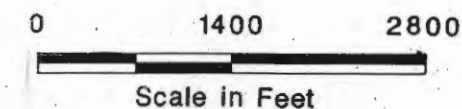
EXPLANATION

-  Fill Over Bay Muds (pre-1958)
-  Fill 1900-1920
-  1958 Fill
-  Post 1958 Fill
-  Historic Shoreline (circa 1871)
-  Extent of Historic Mudflats/Fill
-  1958 Shoreline
-  Present Shoreline

Sources: Dept. of Public Works (Jan 1958), L. Goss, Director
Official Map of South San Francisco

Nichols & Wright (1971)
Preliminary Map of Historic Margins of Marshland,
San Francisco Bay, California

Base Map: USGS 7.5' topographic series,
San Francisco South quadrangle



Historical Shorelines and Known Fill Areas

THE MARK GROUP
ENGINEERS & GEOLOGISTS, INC.

Addendum to the Hydrogeological
Assessment Report
The O'Brien Corporation
South San Francisco, California

PROJECT NO.
88-01258.28

DRAWING NO.
4-1